

DEPUTY UNDER SECRETARY OF STATE
FOR ADMINISTRATION
WASHINGTON

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September 4, 1963

MEMORANDUM FOR: AF - Assistant Secretary Williams
ARA - Assistant Secretary Martin
EUR - Assistant Secretary Tyler
FE - Assistant Secretary Hilsman
NEA - Assistant Secretary Talbot

SUBJECT: Radio Transmitting Rights Agreements with
Foreign Countries

The Office of Telecommunications Management, Office of Emergency Planning (DTM/OEP), to which the President has delegated the authority concerning determinations on radio reciprocal privileges to foreign governments pursuant to Section 305 of the Communications Act of 1934, as amended, has notified the Department of a critical shortage of unused frequencies which might be made available for use by foreign embassies in Washington for radio communications to points outside the United States. DTM/OEP has estimated that frequencies for only eight to ten stations could be made available for foreign embassy use without depriving U.S. Government users of frequencies.

Even prior to the receipt of this information from DTM/OEP, it had become evident that there existed a need for the establishment of guidelines and procedures to be used in determining when the Department of State will seek to negotiate a radio transmitting rights agreement in a specific foreign country. When the granting of reciprocal rights is involved, the guidelines will be used to decide whether or not the Department will seek a determination by the Director of Telecommunications Management, Office of Emergency Planning, pursuant to Section 305, as amended.

The below listed guidelines have been agreed to by other appropriate U.S. Government agencies. We now propose to seek transmitting rights only when one of the following is satisfied:

1. Political judgment concludes that transmitting without a formal agreement would harm the over-all relationship between the U.S. and the host country, would jeopardize the continued operation

State Dept. review completed

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Group 1

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of an existing U.S. Government facility or would prejudice the establishment of a radio station planned for installation in the future.

2. The planned installation is of such size and nature that it could not operate without the knowledge and approval of the host government.
3. A friendly government to which the U.S. is closely tied by Defense agreements or other treaties requests transmitting rights in Washington and offers reciprocal rights in its own country.

Priority, of course, will be given in those instances falling within the first two categories. Further, as a general rule, a determination will be sought and reciprocity offered only when one of the above criteria is met and the foreign government requests transmitting rights in Washington. Reciprocity will never be offered in anticipation of a request for such rights.

Procedure

Obtaining permission to operate a radio transmitter at or near the site of an Embassy in Washington involves two distinct steps. To begin with, a determination must be made to the effect that such an operation is in the national interest of the United States. The foreign government submitting a request for transmitting rights in the United States must be willing to grant the United States reciprocal privileges in its own country. Once an affirmative determination is made by the Director of Telecommunications Management to whom the Presidential authority was delegated and an agreement in principle signed, the foreign government will be asked to submit a technical proposal for approval. Information on the type of transmitter, its power output, frequencies, hours of operation, antenna configuration, etc., will be required. Active operation of the transmitter will be permitted only after approval of the technical proposal.

The Office of Communications, Bureau of Administration, has been designated as coordinator within the Department for all matters concerning radio transmitting agreements and radio reciprocal privileges. It is its function to recommend to higher authorities within the Department, after consultation with appropriate geographic bureaus, where transmitting rights agreements are to be sought, and, if necessary, to prepare the documentation for the Department's recommendations on

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reciprocity. Also, the Office of Communications is the Department's point of contact with other U.S. Government agencies on matters such as the above.

Telecommunications Division, Bureau of Economic Affairs, will conduct the necessary liaison work with the Federal Communications Commission and other appropriate agencies of the federal government insofar as the technical proposal is concerned.

You are requested to instruct all appropriate persons within your bureaus of the above. Further, you are requested to institute a procedure within your bureau whereby you personally will sponsor all requests to my office for authorization to undertake negotiations for transmitting rights agreements and/or seek determinations pursuant to Section 305 of the Communications Act of 1934, as amended.

William J. Crockett

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